



Paper No. 5

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

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**OFFICE OF PETITIONS**

In re Application of  
Bammolker et al.  
Application No. 09/927,863  
Filed: 10 August, 2001  
Atty's Docket No. 10200/101

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: DECISION GRANTING PETITION  
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This is a decision on the petition filed on 12 October, 2001, requesting that the above-identified application, including one (1) sheet of drawings containing Figures 6-7, be accorded a filing date of 10 August, 2001.

On 10 August, 2001, the application was filed.

On 14 September, 2001, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 10 August, 2001, but that Figures 6 and 7 described in the specification appeared to have been omitted.

In response, on 12 October, 2001, one (1) sheet of drawings containing Figures 6 and 7, the present petition, and a petition fee were filed. Petitioners argue that one (1) sheet of drawings containing Figures 6 and 7 was filed with the other application papers on 10 August, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 12 October, 2001. The postcard receipt shows an Office date stamp of 10 August, 2001, and the above-identified application number, and acknowledges receipt, *inter alia*, of 4 sheets of drawings. Petitioners request that the application, including the one (1) sheet of drawings containing Figures 6 and 7, be accorded a filing date of 10 August, 2001.

A review of the record reveals that three (3) sheets of drawings, containing Figures 1-5 are located among the application papers deposited on 10 August, 2001. However, the evidence is convincing that the application papers deposited on 10 August, 2001, included one (1) sheet of drawing containing Figures 6 and 7 as described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawing containing Figures 6 and 7 as described in the specification, is entitled to a filing date of 10 August, 2001.

The "Notice" mailed on 14 September, 2001, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 23-1925.

The application will be processed and examined using the one (1) sheet of drawing containing Figures 6 and 7 supplied on 12 October, 2001.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 10 August, 2001, using the application papers filed on 10 August, 2001, and the one (1) sheet of drawing containing Figures 6 and 7, supplied on 12 October, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Beverly M. Flanagan  
Supervisory Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy